

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION



BRIAN SCHWEITZER, GOVERNOR

STATE OF MONTANA

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SOUTHWESTERN LAND OFFICE
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September 11, 2008

To: James & Elizabeth Gouaux, Trustee 28862 Ninemile Rd. Huson MT 59846
OB & Catherine Anderson 23 Harmony Circle Missoula MT 59802-3341
Clay Lewis c/o William L. Lewis 1860 Hawthorne Ave NE Salem OR 97301-8788
NRCS Attn: Susan Sakaye 3550 Mullan Rd. Suite 106 Missoula MT 59808-5125
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MCD Attn: Tara Comfort 3550 Mullan Rd. Suite 106 Missoula MT 59808-5125
Missoula County OPG Attn: Mel Waggy 200 W Broadway Missoula MT 59802

Janice Dersham of 28250 Ninemile Road has made a request to multiple permitting agencies, including the Department of Natural Resources and Conservation (DNRC) for construction of a water diversion structure within Ninemile Creek.

Ms. Dersham's proposal is to construct a permanent native rock weir within the streambed. The project is designed to allow for diversion of water for use of water rights. By building a permanent weir, the structure will help to reduce turbidity by reducing repeated seasonal intrusions into the stream. There will also be fish screening to prevent fish from entering into the ditch systems.

The DNRC is owner of the streambed of Ninemile Creek, and as such, is required to permit and license any and all activity under, over or within Ninemile Creek, which is considered to be state trust land.

The DNRC is required by the Montana Environmental Policy Act to assess potential impacts of proposed activities on state lands to the human and physical environment. Public comments on this project are being sought in order to complete that assessment.

Public comment will be taken for 14 days (through September 25, 2008). This request for public comment is also being posted on the DNRC website at http://www.dnrc.mt.gov/about_us/notices.asp

Comments may be submitted by email at dboruch@mt.gov. You may also mail written comments to SWLO-DNRC, Attn: Dana Boruch 1401 27th Avenue, Missoula MT 59804.

A handwritten signature, likely of Dana Boruch, in dark ink.